

FACT SHEET

THE PUBLIC TRANSPORTATION SAFETY PROGRAM ACT OF 2009

What Does The Act Do?

The proposed legislation does three things:

- First, the bill would authorize the Secretary to establish and enforce federal safety standards for rail transit systems that receive federal transit assistance – effectively eliminating the statutory prohibition against imposing broad safety standards that have been in place since 1965.
- Second, the Secretary would allow states to be eligible for federal transit assistance to hire and train state oversight personnel to enforce new federal regulations. State programs must be well staffed and adequately empowered by state governments to fully enforce federal regulations in order to be eligible for federal funds.
- Third, the program would require the state agencies conducting oversight to be fully financially independent from the transit systems they oversee. The Federal Transit Administration would enforce all federal regulations where states chose not to participate in the program or where the state program is found to lack the necessary enforcement tools.

Why Rail Transit Regulation?

- The current system for federal rail transit safety oversight does not guarantee a consistent level of safety for transit passengers among all transit systems in all states.
- More than 14 million passengers use rail transit systems every weekday. Yet, the responsibility for their safety is currently left to a patchwork of 27 state agencies with inconsistent standards, inadequate powers and insufficient staffing.
- While rail transit remains a safe way to travel, the Obama Administration believes we must take serious steps now to make it even safer and ensure that it remains safe in the years to come.

Additional Details of “The Act”

- Under the Administration’s proposal, the FTA and state agencies participating in federal transit safety enforcement will be authorized to conduct inspections, investigations, audits and examinations, as well as test public transportation systems’ equipment, facilities, rolling stock, operations, and persons engaged in the business of a public transportation system.
- FTA will also have the authority to issue reports and subpoenas, require the production of documents, take depositions, and establish recordkeeping and reporting requirements.

- The Secretary would establish a safety certification program under which a state that chooses to participate would be eligible for federal transit assistance to carry out a federally approved Public Transportation Safety program. Participating states would be required to demonstrate to the Secretary's satisfaction that the state agency has
 - an adequate number of fully trained staff to enforce federal regulations;
 - been granted sufficient authority by their governor and state legislature to compel compliance by the transit systems they oversee; and
 - sufficient financial independence from any transit systems they oversee.
- In all states where either the state agency has "opted out" of participation or where the Secretary has found the requesting state agency to be inadequate, the Secretary, acting through the FTA, would enforce all federal safety regulations.
- States would not be preempted from establishing more stringent safety standards than the federal standards, if the standards meet certain criteria.
- The bill also would allow the Secretary to establish a safety program for public transportation bus systems that receive federal transit assistance.
- Secretary LaHood also announced the formation of a Transit Rail Advisory Committee on Safety (TRACS) that will help guide the Department's rail transit safety regulations.

#